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No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



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THE HOTCHPOTCH OF THE INTERNET GOVERNANCE PARADIGM

AUTHOR – PROF. (DR.) MARUTHI TR, PROFESSOR OF INTERNATIONAL LAW, UNIVERSITY OF MYSORE & **ADELA STANIKZAI**, STUDENT AT INSTITUTE OF LEGAL AND POLICY RESEARCH (ILPR)

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Abstract

The question of "Who Owns the Internet?" uncovers a complex reality: the internet operates as a decentralized network governed by a web of agreements among governments, private corporations, and international bodies, with no single controlling entity. This decentralized nature presents challenges in harmonizing laws and standards across jurisdictions. While major private companies, including Tier 1 ISPs and tech giants, manage significant infrastructure and data traffic, governments and organizations like ICANN play crucial roles in regulation and standard-setting. Aligning international regulations with local practices is essential due to the internet's borderless nature. Key challenges include cybersecurity, data privacy, and intellectual property, which complicate efforts to develop cohesive legal frameworks that support a global digital economy while respecting national sovereignty. The concept of internet access as a fundamental human right has gained prominence, with international declarations and national frameworks in countries such as Costa Rica, Estonia, and Finland recognizing its importance for freedoms like speech and education. However, debates continue over whether internet access should be classified as a fundamental right, with critics concerned about practical implications and governmental burdens. Proponents argue that in the digital age, such access is vital for exercising human rights and fostering equitable development. This ongoing discourse highlights the need for adaptable legal frameworks to manage evolving digital challenges.

Keywords: Internet Governance, Internet Regulations, Right to Internet, Who Owns the Internet and Internet censorship

INTRODUCTION

The question of **'Who Owns the Internet?'** might seem straightforward but is, in reality, a complex issue with layered answers.¹ The internet itself is a decentralized network, not controlled by any single entity. Instead, it operates through a multifaceted system of agreements and regulations involving governments, private corporations, and international organizations. This distributed model reflects the internet's diverse nature but

also introduces significant challenges in harmonizing laws and standards.²

The internet's structure involves a wide range of stakeholders, each playing different roles in its operation and regulation. From the infrastructure that connects networks to the content and data that travel across it, control is shared among various entities. This includes private companies that own critical infrastructure, such as Tier 1 Internet Service Providers (ISPs), as well as global organizations responsible for setting standards and

¹ Christopher Antoun, 'Who Are the Internet Users, Mobile Internet Users, and Mobile-Mostly Internet Users?: Demographic Differences across Internet-Use Subgroups in the U.S.' in Daniele Toninelli, Robert Pinter and Pablo de Pedraza (eds), *Mobile Research Methods* (Ubiquity Press 2015) <<https://www.jstor.org/stable/j.ctv3t5r9n.12>> accessed 4 August 2024.

² Donna I. Hoffman, Thomas P. Novak and Ann E. Schlosser, 'Locus of Control, Web Use, and Consumer Attitudes toward Internet Regulation' (2003) 22 *Journal of Public Policy & Marketing* 41.

managing domain names, like the Internet Corporation for Assigned Names and Numbers (ICANN).³

Governments also have a role, often enforcing regulations related to data protection, cybersecurity, and online content. However, the global nature of the internet means that regulatory approaches vary widely. For example, the European Union has stringent data protection laws under GDPR, while other regions may have more lenient policies. This regulatory diversity creates a patchwork of rules that can hinder cross-border transactions and stifle innovation.⁴

One of the critical challenges is aligning international regulations with local realities. The internet's borderless nature necessitates a framework for international cooperation, yet the variety of regulatory approaches complicates this effort. The goal is to establish standards that are flexible enough to accommodate diverse legal environments while being robust enough to foster a thriving digital economy. Efforts to harmonize laws must address several issues, including:

- a) Ensuring Cybersecurity that digital infrastructure is secure from threats and attacks.
- b) Balancing the need for Data Privacy and data protection with the ability to conduct cross-border business.
- c) Protecting Intellectual Property while encouraging innovation and access to information.

Creating a cohesive legal framework involves respecting national sovereignty while promoting international cooperation. The challenge is not to impose a uniform solution but to find common ground that accommodates various legal, cultural, and political contexts while upholding fundamental principles of justice and equity. The internet, in

essence, is more a concept than a physical entity. It's a vast, decentralized network of interconnected systems rather than a single, centralized structure. Unlike traditional physical property, no individual, company, or government holds a patent or copyright over the internet. Instead, it operates as a collaborative construct of numerous autonomous networks that are voluntarily interconnected.⁵

OWNERSHIP AND INFRASTRUCTURE

The question of "Who owns the internet?" can be approached from different perspectives. From a layman's view, no one entity or organization runs the internet; it is a globally distributed network with no central governing body. Each constituent network sets and enforces its own policies. Technologically and legally, however, the answer is that the internet's infrastructure—including data centers, cabling, satellites, and routers is owned by a multitude of entities such as individuals, companies, and government agencies.

Ownership and control of the internet are distributed among various stakeholders, including private companies, governments, and international organizations. This decentralized model highlights the need for harmonized laws and standards to support a global digital economy. By fostering international cooperation and creating flexible yet robust regulatory frameworks, we can ensure that the internet remains a dynamic and equitable platform for innovation and commerce. As the digital landscape evolves, so too must our approaches to governance and regulation, striving to balance diverse interests while promoting global progress.⁶

Major influence over the internet's infrastructure is held by large Tier 1 Internet Service Providers (ISPs) like Level 3, Cogent, Telia Carrier, NTT, GTT,

³ Samantha Bradshaw and others, 'The Emergence of Contention in Global Internet Governance' (Centre for International Governance Innovation 2017) <<https://www.jstor.org/stable/resrep05243.8>> accessed 4 August 2024.

⁴ Wong Su Luan and others, 'Experienced and Inexperienced Internet Users among Pre-Service Teachers: Their Use and Attitudes toward the Internet' (2005) 8 *Journal of Educational Technology & Society* 90.

⁵ Melissa E Hathaway and Global Commission On Internet Governance, 'Connected Choices: How the Internet Is Challenging Sovereign Decisions' (Centre for International Governance Innovation 2017)

<<https://www.jstor.org/stable/resrep05239.10>> accessed 4 August 2024.

⁶ Natalie Duffy, 'Internet Freedom in Vladimir Putin's Russia: The Noose Tightens' (American Enterprise Institute 2015)

<<https://www.jstor.org/stable/resrep03199>> accessed 4 August 2024.

Tata Communications, and Telecom Italia. These providers own and maintain the primary network infrastructure, including extensive cabling and routers, and they control substantial portions of internet traffic. In addition to ISPs, tech giants such as Google, Amazon, and Facebook wield considerable power. For instance, Google and Facebook together account for over 70% of global internet traffic, and Amazon Web Services (AWS) supports a third of the internet's infrastructure.

CONTROL AND REGULATION

Regulating the internet presents unique challenges due to its decentralized and distributed design. Information travels in packets via multiple routes, with the Internet Protocol (IP) allowing data to find new pathways if needed. This decentralized nature makes it difficult for any single entity to exert comprehensive control.⁷

Various governments attempt to regulate the internet within their jurisdictions, often targeting illegal or harmful content. Regulations can involve blocking or removing websites or prosecuting individuals for illegal online activities. Censorship in some countries can restrict access to certain information, raising concerns about free speech and the potential for authoritarian control over information.

In addition to government regulation, several organizations play pivotal roles in defining and promoting internet standards. The World Wide Web Consortium (W3C) sets standards for web development to ensure consistency and accessibility. The Internet Corporation for Assigned Names and Numbers (ICANN) manages domain names and IP addresses, maintaining the internet's stability and security. Other key organizations include the Internet Assigned Numbers Authority (IANA), the Internet Engineering Task Force (IETF), the Internet Architecture Board (IAB), the Internet Research

Task Force (IRTF), and the IEEE Standards Association. These entities develop standards, oversee crucial roles, and maintain databases essential to the internet's operation.⁸

SHAPING THE FUTURE OF THE DIGITAL ECONOMY

The cross-border digital economy is a vital component of modern commerce. E-commerce, digital trade, and online services have revolutionized how business is conducted globally. However, the rapid pace of technological advancement often outstrips the regulatory landscape.⁹

Developing policies that encourage innovation while protecting consumers and businesses is crucial. This involves addressing emerging issues and finding ways to support economic growth while ensuring equitable access to opportunities. International bodies like the United Nations and ICANN play essential roles in facilitating dialogue and collaboration. They help shape policies that reflect a broad consensus and address specific national concerns, contributing to a balanced and inclusive approach to internet governance.

The internet's nature as a decentralized, collaborative network means that no single entity owns or controls it entirely. Ownership of its infrastructure is spread across ISPs, tech companies, and government bodies, each holding different levels of influence and control. Regulation is a complex and ongoing effort involving various standards organizations and governmental bodies, balancing the need for stability and security with concerns about freedom and censorship. As the digital landscape continues to evolve, so too will the frameworks for managing and governing this ever-expanding network.

Fundamental Right and Internet Paradigm

The notion that access to the Internet is a fundamental right, sometimes referred to as the

⁷ Jeremy West and Global Commission On Internet Governance, 'A Framework for Understanding Internet Openness' (Centre for International Governance Innovation 2016) <<https://www.jstor.org/stable/resrep05249.15>> accessed 4 August 2024.

⁸ Kal Raustiala, 'Governing the Internet' (2016) 110 *The American Journal of International Law* 491.

⁹ Suzan Lema Gencer and Mustafa Koc, 'Internet Abuse among Teenagers and Its Relations to Internet Usage Patterns and Demographics' (2012) 15 *Journal of Educational Technology & Society* 25.

"right to broadband" or "freedom to connect," underscores a broader understanding of human rights in the digital age. This perspective asserts that access to the Internet is essential for the exercise of fundamental rights, including freedom of expression, opinion, and other critical human rights. It further contends that governments have a duty to ensure broad and equitable access to the Internet and must not unreasonably restrict individual access.¹⁰

International Developments

The recognition of Internet access as a fundamental right has been a focal point of international discourse. In December 2003, the World Summit on the Information Society (WSIS) convened under the auspices of the United Nations. The WSIS Declaration of Principles emphasized the importance of the Information Society in upholding and advancing human rights. This declaration laid the groundwork for understanding how the digital realm intersects with fundamental freedoms.¹¹

In the summer of 2016, the United Nations Human Rights Council further reinforced this stance by passing a non-binding resolution condemning intentional disruptions of Internet access by governments. The resolution reaffirmed that "the same rights people have offline must also be protected online," reflecting a global consensus that digital access is integral to the enjoyment of human rights.

NATIONAL LEGAL FRAMEWORKS

Several countries have taken significant steps to enshrine the right to Internet access into their national legal frameworks, illustrating a growing recognition of its importance.

1. **Costa Rica:** In a landmark ruling on July 30, 2010, the Supreme Court of Costa Rica declared that access to information

and communication technologies,¹² including the Internet, is a fundamental right. The court recognized that these technologies are essential for democratic participation, education, freedom of expression, and access to public services. This ruling underscored the Internet's role as a critical tool for the exercise of various fundamental rights.¹³

2. **Estonia:** As early as 2000, Estonia launched an ambitious program to extend Internet access across its countryside.¹⁴ The Estonian government has consistently emphasized that the Internet is vital for modern life, particularly in ensuring that all citizens, regardless of geographic location, can participate fully in the digital economy and society.¹⁵
3. **Finland:** By July 2010, Finland mandated that every citizen should have access to a broadband connection of at least one megabit per second.¹⁶ This was later upgraded to a goal of providing access to a 100 megabits per second connection by 2015, reflecting the country's commitment to ensuring that high-speed Internet access is considered a basic right.¹⁷
4. **France:** In June 2009, France's Constitutional Council declared Internet access to be a basic human right. This decision struck down parts of the HADOPI law,¹⁸ which would have allowed for the

¹² Right to access the Internet: the countries and the laws that proclaim it - Diplo, (May 2, 2011), <https://www.diplomacy.edu/blog/right-to-access-the-internet-countries-and-laws-proclaim-it/> (last visited Aug 4, 2024).

¹³ By Wikipedia & with help from Bart Pursel, *Digital Rights*, <https://psu.pb.unizin.org/ist110/chapter/12-3-digital-rights/> (last visited Aug 4, 2024).

¹⁴ Orit Gat, *ESTONIA GOES DIGITAL: Residents of the Tiny Baltic Nation Are Going All in on Techno-Governance*, 35 WORLD POLICY JOURNAL 108 (2018).

¹⁵ e-Estonia, the information society since 1997 | Centre For Public Impact (CPI), <https://www.centreforpublicimpact.org/case-study/e-estonia-information-society-since-1997> (last visited Aug 4, 2024).

¹⁶ Bobbie Johnson & technology correspondent, *Finland Makes Broadband Access a Legal Right*, THE GUARDIAN, Oct. 14, 2009, <https://www.theguardian.com/technology/2009/oct/14/finland-broadband> (last visited Aug 4, 2024).

¹⁷ Finland makes broadband a "legal right," BBC NEWS, Jun. 30, 2010, <https://www.bbc.com/news/10461048> (last visited Aug 4, 2024).

¹⁸ Nicola Lucchi, *Access to Network Services and Protection of Constitutional Rights: Recognizing the Essential Role of Internet Access for the Freedom of Expression*, 645 (2011).

¹⁰ Noelle de Guzman, 'Internet Governance: Views from the Internet Society' (S Rajaratnam School of International Studies 2014) <<https://www.jstor.org/stable/resrep05892.14>> accessed 4 August 2024.

¹¹ Rajesh Iyer and Jacqueline K Eastman, 'The Elderly and Their Attitudes toward the Internet: The Impact on Internet Use, Purchase, and Comparison Shopping' (2006) 14 Journal of Marketing Theory and Practice 57.

automatic disconnection of users who repeatedly downloaded illicit material without judicial review.¹⁹ The ruling affirmed that Internet access is integral to freedom of expression and information.

5. **Greece:** Article 5A of the Greek Constitution guarantees the right of all individuals to participate in the Information Society.²⁰ It mandates that the state facilitate the production, exchange, diffusion, and access to electronically transmitted information, highlighting the importance of Internet access in democratic participation and information dissemination.
6. **India:** In September 2019, the Kerala High Court ruled that access to the Internet is part of the fundamental right to education and the right to privacy under Article 21 of the Indian Constitution.²¹ This landmark decision recognized that the Internet is essential for accessing educational resources and upholding individual privacy.
7. **Spain:** Starting in 2011, Spain's former state monopoly, Telefónica, was required to offer "reasonably" priced broadband with a minimum speed of one megabit per second throughout the country.²² This obligation aimed to ensure that all Spanish citizens had access to essential Internet services.

Implications and Challenges

The recognition of Internet access as a fundamental right has profound implications for policy-making and governance. It necessitates that governments invest in digital infrastructure,

promote digital literacy, and safeguard against unjust restrictions or censorship. Ensuring equitable access also involves addressing disparities in connectivity between urban and rural areas and among different socioeconomic groups. However, the implementation of these rights can be challenging. Governments must balance the need for regulation and security with the imperative to uphold freedom of expression and access to information. Moreover, as the Internet continues to evolve, so too must the legal frameworks that support these rights, adapting to new technologies and emerging threats.²³

Accordingly, the recognition of Internet access as a fundamental right reflects the evolving understanding of human rights in the digital age. It emphasizes that connectivity is crucial for exercising various fundamental freedoms and ensuring equitable participation in modern society. As more nations acknowledge this right, the global community moves closer to a more inclusive and connected world.²⁴

THE RIGHT TO FREEDOM OF SPEECH AND ITS CONNECTION TO INTERNET ACCESS

The right to freedom of speech, enshrined in international human rights frameworks, is intrinsically linked to Internet access. This connection underscores the broader implications of digital communication on personal freedoms and democratic engagement. The Internet, as a platform for both infrastructure and content, plays a crucial role in facilitating and sometimes challenging the exercise of this fundamental right.

Internet Infrastructure vs. Content

Stephanie Borg Psaila highlights two essential aspects of the Internet: its infrastructure and its content. The infrastructure includes the physical and technical means necessary for Internet connectivity, such as servers, cables, and data

¹⁹ Internet access as a fundamental human right? / in propria persona, <https://inpropiapersona.com/articles/internet-access-as-a-fundamental-human-right/> (last visited Aug 4, 2024).

²⁰ Greece 1975 (rev. 2008) Constitution - Constitute, https://www.constituteproject.org/constitution/Greece_2008 (last visited Aug 4, 2024).

²¹ Special Correspondent, *Access to Internet Is a Basic Right, Says Kerala High Court*, THE HINDU, Sep. 19, 2019, <https://www.thehindu.com/sci-tech/technology/internet/access-to-internet-is-a-basic-right-says-kerala-high-court/article29462339.ece> (last visited Aug 4, 2024).

²² Francisco García Paramio et al., *How Does the Spanish Regulation of NGN Affect to Final Users? Effects on the Deployment of New FTTH Infrastructures*, 64 TELECOMMUNICATION SYSTEMS (2017).

²³ Milica Niculović and others, 'Monitoring the Effect of Internet Use on Students Behavior Case Study: Technical Faculty Bor, University of Belgrade' (2012) 60 Educational Technology Research and Development 547.

²⁴ Jeremy Galbreath, 'The Internet: Past, Present, and Future' (1997) 37 Educational Technology 39.

centers. This infrastructure is crucial for delivering Internet services but often requires significant positive action and investment to maintain and expand.

In contrast, the content on the Internet represents the information, opinions, and expressions that individuals share online. The accessibility and freedom of this content are critical to the exercise of freedom of speech. The principle of minimal restrictions on content aligns with the right to freedom of speech, emphasizing that limiting or censoring online information constitutes a significant breach of this right.²⁵

The Internet as a Tool for Freedom

One of the Internet's transformative powers is its capacity to bypass traditional government control over information dissemination. Before the digital era, governments had more direct control over the flow of information through traditional media like newspapers and broadcast television. The Internet has democratized information access, allowing individuals to publish and share content freely. This shift has empowered citizens to challenge government narratives and provide alternative viewpoints, which can be seen as a vital component of a functioning democracy. However, this freedom has also posed challenges to authoritarian regimes. Governments that rely on controlling information often view the Internet as a threat. In response, some regimes have implemented extensive censorship measures to control online content and suppress dissent.²⁶

Censorship and Human Rights Violations

Countries like China and Iran are prominent examples of regimes that employ extensive censorship to restrict Internet access and control information.²⁷ These nations use

sophisticated firewall systems to block content deemed offensive or threatening to their political stability. For example, China's "Great Firewall" filters and blocks content that criticizes the government, while Iran's censorship mechanisms restrict access to political dissent and opposition views.

In these contexts, Internet censorship directly infringes on the right to freedom of speech. Individuals caught expressing dissenting views online may face severe consequences, including imprisonment or other punitive measures that infringe upon their civil liberties.

Censorship in Democracies

In democratic nations, Internet censorship often revolves around issues such as intellectual property protection and anti-piracy laws. For instance, the United States has implemented measures to combat online piracy, aimed at protecting creators' rights and intellectual property. While these laws are designed to safeguard creative works, there is concern that their broad scope could lead to overreach, potentially stifling freedom of expression and leading to unjust censorship.

A notable example of Internet censorship impacting human rights occurred during the 2011 Arab Spring in Egypt. Under President Hosni Mubarak, the Egyptian government shut down Internet services several times to suppress protests and curb communication among demonstrators. This drastic action hindered access to critical services, including emergency services like ambulances, and is believed to have exacerbated the violence and death toll during the protests. In response, tech companies like Google and Twitter developed a workaround a voicemail service that allowed Egyptians to leave messages that were then posted on Twitter, helping to circumvent the government's censorship efforts.

Therefore, the right to freedom of speech is deeply intertwined with the right to Internet access. The Internet's ability to facilitate free expression and bypass governmental controls

²⁵ Neil Gershenfeld and Jp Vasseur, 'As Objects Go Online: The Promise (and Pitfalls) of the Internet of Things' (2014) 93 Foreign Affairs 60.

²⁶ Eunju Chi, 'The Chinese Government's Responses to Use of the Internet' (2012) 36 Asian Perspective 387.

²⁷ Alpana Verma, 'Internet in China: An Emerging Society' (Institute of Peace and Conflict Studies 2012) <<https://www.jstor.org/stable/resrep09320>> accessed 4 August 2024.

is both a boon for democracy and a challenge for authoritarian regimes. While Internet infrastructure requires significant investment and maintenance, the content and access provided through the Internet are critical to exercising fundamental freedoms. Ensuring unrestricted access to the Internet and protecting it from censorship are essential for upholding the right to freedom of speech and fostering an open and democratic society.

THE RIGHT TO DEVELOPMENT AND THE ROLE OF INTERNET ACCESS

The right to development, recognized as a third-generation right by the UN General Assembly, encompasses the idea that all individuals and communities should have the opportunity to improve their quality of life through economic, social, and cultural advancement. This right integrates various dimensions of human progress, including the access to essential resources and opportunities that facilitate growth and well-being.

The Internet's Impact on Development

Human rights scholars and activists have increasingly highlighted the crucial role that the Internet plays in securing the right to development. The advent of technology, particularly mobile phones, has already demonstrated its potential to foster economic development in developing nations. For instance, mobile technology has provided new avenues for financial inclusion, allowing individuals in low-income regions to access savings accounts, insurance, and other financial services previously out of reach. Similarly, online trading platforms and e-commerce have opened up new markets and opportunities for small businesses and entrepreneurs in developing countries.

The expansion of Internet access further amplifies these benefits. Increased connectivity enables access to a wealth of information, educational resources, and digital platforms that can drive innovation, economic growth, and social progress. It allows for the

development of digital skills, fosters entrepreneurship, and facilitates access to global markets, which are critical for economic development and poverty reduction.

UN Special Rapporteur's Perspective

In his 2011 report to the UN Human Rights Council, Frank La Rue, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, underscored the integral role of the Internet in advancing economic development and human rights. La Rue emphasized that without Internet access, marginalized groups and developing states are often left in disadvantaged situations, perpetuating inequalities both within and between nations. His report highlighted that the Internet serves as a catalyst for economic development and the enjoyment of a range of human rights, including freedom of expression and access to information.

La Rue's findings support the argument that Internet access should be considered a fundamental component of the right to development. By securing universal access to the Internet, governments can help to level the playing field, ensuring that all individuals, regardless of their geographical location or socioeconomic status, have the opportunity to participate in and benefit from the digital economy.

Economic Impact and Global Inequality

Advocacy groups like A Human Right have provided quantitative estimates of the potential economic benefits of increasing Internet access. In 2012, they estimated that approximately 4.6 billion people worldwide lacked Internet access. They argued that increasing Internet penetration by just 10% could lead to a significant boost in the GDP of developing countries, potentially adding between 1.28% and 2.5% to their economic output. This potential economic impact underscores the value of Internet access as a driver of development and a tool for reducing global inequalities.

Comparing Internet Access to Basic Utilities

The advocacy for recognizing Internet access as a human right often parallels arguments for ensuring access to other essential utilities such as water and electricity. Just as governments are expected to ensure that all citizens have access to these basic necessities, proponents argue that universal Internet access should similarly be prioritized as a fundamental right. This perspective aligns with the view that, in the modern digital age, access to the Internet is as crucial as access to other critical resources for enabling individuals to participate fully in society and achieve their potential.²⁸

Thus, the intersection of the right to development and Internet access illustrates the transformative potential of digital connectivity in advancing human rights and economic progress. By improving access to the Internet, developing nations can unlock significant opportunities for economic growth, social development, and poverty reduction. As the world continues to grapple with the digital divide, ensuring that Internet access becomes as fundamental as other essential services will be vital for achieving equitable and sustainable development. The ongoing advocacy and research highlight the need for concerted efforts to bridge the digital divide and integrate Internet access into the broader framework of human rights and development.²⁹

CRITIQUES ON THE RIGHT TO INTERNET ACCESS

The debate over whether access to the internet should be recognized as a human right has elicited significant legal and philosophical discourse. Vint Cerf, a prominent figure in the development of the internet and often referred to as its "father," has voiced substantial criticism against this notion. Cerf argues that while the internet is crucial for enabling various rights, it should not itself be classified as a human right. He posits that "Technology is an enabler of

rights, not a right itself," emphasizing that internet access, though important, does not warrant the same status as fundamental human rights such as freedom from torture or freedom of conscience.³⁰

Cerf acknowledges the internet's role in facilitating civil participation and supports the idea that internet access should be considered a civil right. However, he challenges the notion of elevating it to the status of a human right. His stance reflects concerns that the obligation to provide universal internet access could impose undue burdens on governments, particularly given that they are not obligated to provide other forms of communication, such as telephones.³¹

This perspective has sparked considerable debate within legal and human rights communities. Critics argue that Cerf's viewpoint is too narrow and fails to account for the evolving nature of rights in the digital age. Egyptian human rights activist Sherif Elsayed-Ali contends that the concept of rights should adapt to social and technological changes. He asserts that denying access to the internet can severely impact quality of life, thus warranting its recognition as a human right.³²

Moreover, some legal commentators challenge Cerf's comparison of internet access with rights like freedom from torture. They argue that internet access could be more appropriately compared to essential human rights outlined in Article 25 of the Universal Declaration of Human Rights (UDHR), which guarantees a standard of living including food, clothing, housing, and medical care. A Human Right, a non-profit organization, criticizes Cerf's view, suggesting that technology should not be dismissed as merely an enabler but should be recognized in its own right. They argue that while technology

²⁸ Johan Eriksson et al., *Who Controls the Internet? Beyond the Obstinacy or Obsolescence of the State*, 11 INTERNATIONAL STUDIES REVIEW 205 (2009).

²⁹ Johan Eriksson et al., *Who Controls the Internet? Beyond the Obstinacy or Obsolescence of the State*, 11 INTERNATIONAL STUDIES REVIEW 205 (2009).

³⁰ LAURA DENARDIS & GLOBAL COMMISSION ON INTERNET GOVERNANCE, *Introduction: One Internet: An Evidentiary Basis for Policy Making on Internet Universality and Fragmentation*, 1 (2016), <https://www.jstor.org/stable/resrep05249.5> (last visited Aug 4, 2024).

³¹ SAMANTHA BRADSHAW ET AL., *The Emergence of Contention in Global Internet Governance*, 45 (2017), <https://www.jstor.org/stable/resrep05243.8> (last visited Aug 4, 2024).

³² Jeremy Galbreath, *The Internet: Past, Present, and Future*, 37 EDUCATIONAL TECHNOLOGY 39 (1997).

like the internet may seem less tangible, it serves as a fundamental component of modern life akin to housing or food.³³

Brian Schepis, a colleague of Cerf at Google, defends this position by arguing that human rights should protect only those conditions that are instrumentally necessary for membership in a political community. Schepis contends that while the internet is important for participation in contemporary society, it does not meet the threshold of a human right because it is not indispensable for political membership. He warns that claiming the internet as a human right could lead to "human rights inflation," potentially diluting the effectiveness of human rights as a framework for global justice.³⁴

Opponents of the human right to internet access argue that such a claim is impractical. They contend that recognizing internet access as a fundamental human right retroactively implies that individuals before the internet's invention were deprived of a basic human right, which contradicts the notion of natural, inalienable rights.

In contrast, others argue that while the internet itself may not be a right, the access to it should be recognized as an enshrined right. Viviane Reding, Vice President of the European Commission, emphasizes that measures related to internet access must respect fundamental rights including privacy, freedom of expression, and access to information and education. She notes that denial of internet access could infringe upon several human rights fulfilled through online engagement.³⁵

Therefore, the legal debate over internet access as a human right reflects broader discussions about the evolution of rights in the digital era. While Vint Cerf and his supporters question whether internet access merits human rights

status, others argue for its recognition based on its integral role in facilitating fundamental freedoms and modern life. This ongoing discourse highlights the need for legal frameworks to adapt to the changing landscape of technology and human rights.

CONCLUSION

In exploring the multifaceted question of "Who Owns the Internet?" we uncover a complex web of ownership, control, and regulation that reflects the internet's decentralized and collaborative nature. The internet, a vast network of interconnected systems, does not belong to any single entity but is instead a collective construct involving governments, private companies, and international organizations. This distributed model underscores the intricate balance required to manage and govern such a dynamic and borderless entity.

Ownership of the internet's infrastructure is distributed among various stakeholders, including major Tier 1 ISPs and tech giants who control substantial portions of internet traffic and services. This decentralization is both a strength and a challenge, as it demands a harmonized regulatory framework to support a global digital economy while respecting diverse legal environments. Efforts to align international regulations with local realities must address critical issues such as cybersecurity, data privacy, and intellectual property protection, all while promoting innovation and cross-border commerce.

The recognition of internet access as a fundamental right reflects the evolving understanding of human rights in the digital age. It acknowledges that access to the internet is crucial for the exercise of other fundamental rights, including freedom of speech and the right to development. As seen in various national legal frameworks and international resolutions, there is growing consensus on the importance of ensuring equitable access to digital connectivity as a means to support

³³ SHANTHI KALATHIL & TAYLOR C. BOAS, *The Internet and State Control in Authoritarian Regimes: China, Cuba, and the Counterrevolution*, (2001), <https://www.jstor.org/stable/resrep12721> (last visited Aug 4, 2024).

³⁴ Kenneth Neil Cukier, *Who Will Control the Internet? Washington Battles the World*, 84 FOREIGN AFFAIRS 7 (2005).

³⁵ Jeremy Goldkorn, *The Chinese Internet: Unshared Destiny*, in SHARED DESTINY 106 (Jeremy Goldkorn, Geremie R Barmé, & Linda Jaivin eds., 2015), <https://www.jstor.org/stable/j.ctt19893k8.18> (last visited Aug 4, 2024).

democratic engagement, economic development, and social progress.

However, the debate continues regarding whether internet access should be classified as a human right. Critics argue that while the internet is a vital tool for enabling various rights, it should not be elevated to the status of a fundamental human right. They suggest that the focus should remain on the broader implications of access rather than the technology itself.

Ultimately, the future of internet governance and regulation will require ongoing dialogue and cooperation among stakeholders. As the digital landscape evolves, so too must our approaches to managing and regulating this global network. Ensuring that internet access is equitable and that its governance balances diverse interests will be crucial in fostering an inclusive, innovative, and connected world. The challenge lies in crafting frameworks that respect national sovereignty while promoting international collaboration, ensuring that the internet continues to serve as a powerful tool for progress and a fundamental component of modern life.

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